

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

IN RE: DIGITEK® PRODUCT LIABILITY  
LITIGATION

MDL NO. 1968

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THIS DOCUMENT RELATES TO ALL CASES

**DEFENDANTS' MOTION TO EXCLUDE  
PLAINTIFFS' GENERAL LIABILITY EXPERTS**

Defendants respectfully move this Court under Federal Rule of Evidence 702 to enter an Order precluding Plaintiffs' remaining four general liability experts—Mark Kenny, James Farley, David Bliesner, Ph.D., and Russell Somma, Ph.D.—from offering testimony in any of the remaining cases pending before MDL 1968, *In re: Digitek® Product Liability Litigation*. The experts' opinions are inadmissible because they are not based on “sufficient facts and data,” are not relevant, and are not the product of a reliable methodology—all Rule 702 requirements.

For these reasons, supported by the exhibits that Defendants have attached to this Motion and others that Defendants attached to their General Background Statement (Doc. 522), Defendants respectfully request that this Court grant their Motion to Exclude.

**EXHIBITS ATTACHED TO THIS FILING**

EXHIBIT NO.	EXHIBIT DESCRIPTION
A	Mark Kenny Expert Report 6/15/10
B	James Farley Expert Report 6/14/10
C	David Bliesner, Ph.D. Expert Report 6/15/10
D	Russell Somma, Ph.D. Expert Report 6/15/10
E	February 24, 2010 E-mail Correspondence between Mark Kenny, Salvatore Romano, Ph.D., and Meghan Johnson Carter
F	Eugene C. Brooks IV, James Farley, James Everett Shipley, Jr., <i>Discovering the Cause of a Drug's Defect</i> , 44 TRIAL 46 (Nov. 2008).

Defendants are also filing a Memorandum of Law in support of their Motion

GUTHRIE & THOMAS, PLLC

Rebecca A. Betts, LIAISON COUNSEL  
500 Lee Street East, Suite 800  
Charleston, West Virginia 25301  
Tel: (304) 345-7250  
Fax: (304) 345-9941  
E-mail: [rabetts@agmtlaw.com](mailto:rabetts@agmtlaw.com)

*Attorney for Defendants*

SHOOK, HARDY & BACON LLP

Harvey L. Kaplan, CO-LEAD COUNSEL  
Madeleine M. McDonough, CO-LEAD  
COUNSEL  
2555 Grand Blvd.  
Kansas City, Missouri 64108-2613  
Tel: (816) 559-2214  
Fax: (816) 421-5547  
E-mail: [hkaplan@shb.com](mailto:hkaplan@shb.com)  
E-mail: [mmcdonough@shb.com](mailto:mmcdonough@shb.com)

*Attorneys for Mylan Pharmaceuticals Inc.,  
Mylan Bertek Pharmaceuticals Inc., and UDL  
Laboratories, Inc.*

Respectfully submitted,

TUCKER ELLIS & WEST LLP

By: 

Richard A. Dean (Ohio Bar #0013165),  
CO-LEAD COUNSEL  
Matthew P. Moriarty (WV Bar # 4571;  
Ohio Bar 0028389), CO-LEAD COUNSEL  
925 Euclid Avenue, Suite 1150  
Cleveland, Ohio 44115-1414  
Tel: (216) 592-5000  
Fax: (216) 592-5009  
E-mail: [richard.dean@tuckerellis.com](mailto:richard.dean@tuckerellis.com)  
[matthew.moriarty@tuckerellis.com](mailto:matthew.moriarty@tuckerellis.com)

*Attorneys for Defendants Actavis Totowa LLC,  
Actavis Inc., and Actavis Elizabeth LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 3, 2011, a copy of the foregoing **DEFENDANTS' MOTION TO EXCLUDE PLAINTIFFS' GENERAL LIABILITY EXPERTS** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

**GUTHRIE & THOMAS, PLLC**

Rebecca A. Betts, LIAISON COUNSEL  
500 Lee Street East, Suite 800  
Charleston, West Virginia 25301  
Tel: (304) 345-7250  
Fax: (304) 345-9941  
E-mail: [rabetts@agmtlaw.com](mailto:rabetts@agmtlaw.com)

*Attorney for Defendants*

**SHOOK, HARDY & BACON LLP**

Harvey L. Kaplan, CO-LEAD COUNSEL  
Madeleine M. McDonough, CO-LEAD COUNSEL  
2555 Grand Blvd.  
Kansas City, Missouri 64108-2613  
Tel: (816) 559-2214  
Fax: (816) 421-5547  
E-mail: [hkaplan@shb.com](mailto:hkaplan@shb.com)  
E-mail: [mmcdonough@shb.com](mailto:mmcdonough@shb.com)

*Attorneys for Mylan Pharmaceuticals Inc.,  
Mylan Bertek Pharmaceuticals Inc., and UDL  
Laboratories, Inc.*

**TUCKER ELLIS & WEST LLP**

By: *Richard A. Dean*

Richard A. Dean (Ohio Bar #0013165),  
CO-LEAD COUNSEL  
Matthew P. Moriarty (WV Bar # 4571;  
Ohio Bar 0028389), CO-LEAD COUNSEL  
925 Euclid Avenue, Suite 1150  
Cleveland, Ohio 44115-1414  
Tel: (216) 592-5000  
Fax: (216) 592-5009

E-mail: [richard.dean@tuckerellis.com](mailto:richard.dean@tuckerellis.com)  
[matthew.moriarty@tuckerellis.com](mailto:matthew.moriarty@tuckerellis.com)

*Attorneys for Defendants Actavis Totowa LLC,  
Actavis Inc., and Actavis Elizabeth LLC*